


UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
CENTRAL DIVISION

FILED
AUG 16 2016

CLERK

UNITED STATES OF AMERICA,

CR *16-30105*

Plaintiff,

INDICTMENT

vs.

SMOKEY JAMES JANDREAU,

DISTRIBUTION OF A CONTROLLED
SUBSTANCE AND POSSESSION OF
A FIREARM BY A PROHIBITED
PERSON

Defendant.

21 U.S.C. §§ 841(a)(1) and
841(b)(1)(C); 18 U.S.C. §§ 922(g)(3),
924(a)(2), and 924(d); and 28 U.S.C.
§ 2461(c)

The Grand Jury charges:

COUNT I

On or about the 2nd day of July, 2016, in the District of South Dakota, the Defendant, Smokey James Jandreau, did knowingly and intentionally distribute a mixture or substance containing a detectable amount of methamphetamine, a Schedule II controlled substance, in violation of 21 U.S.C. §§ 841(a)(1) and 841(b)(1)(C).

COUNT II

On or about the 6th day of July, 2016, in the District of South Dakota, the Defendant, Smokey James Jandreau, did knowingly and intentionally distribute a mixture or substance containing a detectable amount of methamphetamine, a Schedule II controlled substance, in violation of 21 U.S.C. §§ 841(a)(1) and 841(b)(1)(C).

COUNT III

On or about the 24th day of July, 2016, in the District of South Dakota, the Defendant, Smokey James Jandreau, did knowingly and intentionally distribute a mixture or substance containing a detectable amount of methamphetamine, a Schedule II controlled substance, in violation of 21 U.S.C. §§ 841(a)(1) and 841(b)(1)(C).

COUNT IV

On or about the 26th day of July, 2016, at Eagle Butte, in Dewey County, in the District of South Dakota, Smokey James Jandreau, being an unlawful user of and addicted to a controlled substance as defined in 21 U.S.C. § 802, did knowingly receive and possess a firearm, to wit: a Norinco, SKS type, 7.62x39 caliber rifle, serial number 1812517D7, which had been shipped and transported in interstate commerce and foreign commerce, in violation of 18 U.S.C. §§ 922(g)(3), 924(a)(2), and 924(d).

FORFEITURE ALLEGATION

1. The allegations contained in Count IV of this Indictment are hereby re-alleged and incorporated by reference for the purpose of alleging forfeitures pursuant to 18 U.S.C. § 924(d) and 28 U.S.C. § 2461(c).

2. Upon conviction of the offenses in violation of 18 U.S.C. § 922(g)(3), set forth in this Indictment, Smokey James Jandreau, shall forfeit to the United States pursuant to 18 U.S.C. § 924(d) and 28 U.S.C. § 2461(c), any firearms and ammunition involved in the commission of the offenses, including, but not limited to:

- a. a Norinco, SKS type, 7.62x39 caliber rifle, serial number 1812517D7; and
- b. Any and all ammunition seized on July 26, 2016.

3. If any of the property described above, as a result of any act or omission of the defendant:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred, or sold to, or deposited with, a third party;
- c. has been placed beyond the jurisdiction of the court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property that cannot be divided without difficulty;

the United States of America shall be entitled to forfeiture of substitute property pursuant to 28 U.S.C. § 2461(c).

A TRUE BILL

NAME REDACTED

Foreperson

RANDOLPH J. SEILER
United States Attorney

By _____

